

SUMNER COUNTY ZONING BOARD OF APPEALS

MINUTES

APRIL 11, 2013

SUMNER COUNTY ADMINISTRATION BUILDING

COMMITTEE ROOM # 112

355 N. BELVEDERE DRIVE

GALLATIN, TN. 37066

MEMBERS PRESENT:

MARK MCKEE, JR. CHAIRMAN

BRUCE RAINEY, VICE-CHAIRMAN

SANDY WEBSTER

DON DICKERSON

MEMBERS ABSENT:

MARSH RAGLAND

STAFF PRESENT:

GARY L. HAMMOCK, DIRECTOR OF CONSTRUCTION AND DEVELOPMENT

LISA DUNAGAN-DIORIO, ADMINISTRATIVE ASSISTANT

MOTION FOR APPROVAL OF THE MARCH MINUTES BY MS. WEBSTER, SECONDED BY MR. DICKERSON. MOTION PASSED UNANIMOUSLY.

1. **David Bain** was requesting a conditional use permit to conduct worship services and /or bible studies within the existing structure. Subject property is located at 1920 Highway 31-W, White House, Tn., is on tax map 99, parcel 8.01, contains 5 acres and is zoned RA.

This was a public hearing and was advertised in the Gallatin News Examiner on March 29, 2013.

Mr. Bain came forward to represent and explain his request. Mr. Bain explained that he recently purchased the property and the previous owners have conducted church there since 2003.

Mr. Rainey asked Mr. Bain if the church was organized that is requesting the conditional use.

Mr. Bain replied no.

Mr. Rainey explained to Mr. Bain that this body does not have authority to grant a commercial use of the property to run with the land. The specific church will have to submit the request.

Mr. Hammock stated that he told Mr. Bain that this conditional use does not run with the property. When this property changed hands the conditional use went away.

## **SUMNER COUNTY ZONING BOARD OF APPEALS MINUTES PAGE 2 APRIL 11, 2013**

Chairman McKee opened the floor for the public hearing.

Mr. George Sipe came forward to ask questions. He stated that he was an adjoining property next door. He wanted to ask the church that they not park where the adjoining property owner could not get out of her driveway and asked how many people can use a driveway.

Mr. Hammock responded that Sumner County Zoning Resolution has no stipulations on how many people use a driveway.

There was discussion about the fact Mr. Bain did not have a church lined up, this body could not act on the request at this time.

Mr. Rainey explained that at which time he had a church that was interested in renting this facility he could come back before this body with his application.

**Motion to deny this request without prejudice by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.**

(Mr. Rainey added that when Mr. Bain has a church that wants to rent this facility, then he may come back before this body for a conditional use request.)

OTHER BUSINESS:

1. **Willie Goad** was requesting a continuation of the conditional use permit that he received on April 12, 2007, to operate a part time saw mill. Subject property is located at 1905 Old Gallatin Road, Portland, TN., is on tax map 71, parcel 6, contains approximately 104 acres and is zoned agricultural. The adjoining property owners were notified by regular mail.

Mr. Goad came forward to represent this request and answer any questions.

Chairman McKee opened the floor for the public hearing. There was no present to speak for or against.

## **SUMNER COUNTY ZONING BOARD OF APPEALS MINUTES PAGE 3 APRIL 11, 2013**

**Mr. Rainey stated he drove by this property several times a day and bragged on the great way this property was maintained and what a great job that Mr. Goad was doing.**

**Motion for approval for two more years by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.**

**2. DEFERRED THIRTY DAYS BY PROPERTY OWNER-Shelton and Lindsay Cates-**They were requesting a continuation of a hardship they received on April 14, 2011. This hardship was to take care of Jacqueline McDaniel (Mrs. Cates' mother). Subject property is located at 1210 Upper Station Camp Road, Cottontown, Tn., is on tax map 102, parcel 27.04, contains 2.46 acres, and is zoned Estate A.

**They must provide documentation to establish that the hardship is still needed ( i.e. physician's note)**

**The Cates' are not present tonight due to the fact they notified our staff the day before this meeting, that they did not have their physician's note regarding the need for the hardship variance.**

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Mr. Hammock explained to the body that in 2008 he had asked the Cates to have a structural engineer to look at this structure because it lacks structural integrity and to also provide us with an engineering analysis report. As of today, my office was never contacted stating that the deficiencies mentioned in the letter dated 2008 from Richard Jones with Rogers Engineering Group have been corrected. Until this is resolved, I am very reluctant for this body to continue a hardship. He also stated that he felt it was his responsibility that the roof over that individual's head is safe. This structure must be structurally sound and meet the minimum criteria. According to the engineering document there are some deficiencies with this structure. He advised this board that before the hardship is continued that the dwelling meets the minimum standards as far as structural integrity goes.

**SUMNER COUNTY ZONING BOARD OF APPEALS MINUTES PAGE 4  
APRIL 11, 2013**

Motion by Mr. Rainey that the Cates' should be put on notice that in thirty (30) days they should provide a structural engineer report. This report should be provided before this board makes a decision on the continuance of the existing hardship variance, and if there are any deficiencies, they must be remedied, seconded by Ms. Webster. Motion passed unanimously.

**3. Van Humphrey**-He was requesting a continuation of a hardship he received on April 4, 2000. This hardship was to take care of Mr. Humphrey's mother, Juanita Tayse. Subject property is located at 1135 Smith Thompson Road, Bethpage, Tn., is on tax map 49, parcel 2, contains 1 acre, and is zoned agricultural.

They must provide documentation to establish that the hardship is still needed ( i.e. physician's note)

Mr. Humphrey was present to explain and represent this request. Mr. Humphrey stated that they was still a need for the hardship.

Chairman McKee opened the floor for the public hearing.

There was no one present to speak for or against.

Staff had received the physician's note pertaining to Mr. Humphrey's mother, Juanita Tayse, earlier in the day by fax from Westmoreland Family Clinic.

There was discussion.

Motion for approval by Mr. Rainey, seconded by Mr. Dickerson. Motion passed unanimously.

Meeting adjourned at 6:25 p.m.